Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Substantive recommendations for incorporation into the final document of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament and the key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons. The Group further underscores that the realization of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes constitutes one of the fundamental objectives of the Treaty.

2. The Group of Non-Aligned States Parties to the Treaty stresses, once more, the fundamental importance of the full, effective and non-discriminatory implementation of the obligations under the Treaty, in particular on nuclear disarmament. In this context, the Group calls for the full implementation of all commitments and the unequivocal undertakings assumed by the nuclear-weapon States, at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

3. Building on the working papers presented by the Group of Non-Aligned States Parties to the Non-Proliferation Treaty at the first, second and third sessions of the Preparatory Committee, the Group submits the following recommendations on the implementation of the Treaty as well as the commitments and undertakings agreed by consensus at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, for incorporation into the final document of the 2015 Review Conference. At the same time, the Group may propose further recommendations during the Review Conference.

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II. Recommendations

Principles and objectives

Recommendation 1

To emphasize that the Non-Proliferation Treaty is the key international instrument aimed at achieving nuclear disarmament, halting the vertical and horizontal proliferation of nuclear weapons and promoting international cooperation and assistance in the peaceful uses of nuclear energy.

Recommendation 2

To reaffirm that the full, non-discriminatory and balanced implementation of the three pillars of the Non-Proliferation Treaty remains essential for promoting its credibility and effectiveness and in realizing its objectives.

Recommendation 3

To reiterate that the continued existence of nuclear weapons represents a grave threat to humanity and that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, as well as the risk of their unauthorized, unintentional or accidental use.

Recommendation 4

To stress that the full and effective implementation of all obligations under the Treaty on nuclear disarmament and non-proliferation of nuclear weapons, including in particular by the nuclear-weapon States, as well as the implementation of commitments and unequivocal undertakings assumed by them to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, is crucial in promoting international peace and security.

Recommendation 5

To reaffirm that each article of the Treaty is binding on all States parties without exception, and that States parties are required to comply strictly with their legal obligations under the Treaty and to implement those commitments agreed by consensus at the Review Conferences of the Treaty, including, in particular, the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences.

Recommendation 6

To underline that the immediate and unconditional accession to the Treaty by all States not party, as non-nuclear-weapon States, is essential for the full realization of its objectives. All States parties should make every effort to achieve the universality of the Treaty and refrain from taking any actions that could negatively affect prospects for the universality of the Treaty.

Recommendation 7

To strongly call on all States that are not party to the Non-Proliferation Treaty, particularly those States that operate unsafeguarded nuclear facilities, to accede,

without any further delay and precondition, to the Treaty as non-nuclear-weapon States.

Recommendation 8

To reaffirm the integrity of article IX, paragraph 3, of the Non-Proliferation Treaty, and the obligation of all States parties not to accord any status or recognition in any form contrary to the provisions of the Treaty to any State not party to the Treaty.

Nuclear disarmament

Recommendation 9

To acknowledge that the strong support for the total elimination of nuclear weapons, expressed at the first-ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, demonstrated that nuclear disarmament remains the highest priority of the international community.

Recommendation 10

To emphasize that the indefinite extension of the Non-Proliferation Treaty does not imply the indefinite possession of nuclear weapons by the nuclear-weapon States, and that any such assumption is incompatible with the object and purpose of the Treaty, with the integrity and sustainability of the nuclear non-proliferation regime and with the broader objective of maintaining international peace and security.

Recommendation 11

To express deep concern at the continued lack of progress in the field of nuclear disarmament, which could undermine the object and purpose of the Treaty, as well as at the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

Recommendation 12

To strongly call for the prompt and full implementation of the action plan on nuclear disarmament adopted by the 2010 Review Conference of the Treaty, particularly the commitments made by the nuclear-weapon States under action 5 to accelerate concrete progress on the steps leading to nuclear disarmament.

Recommendation 13

To stress that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and that such reductions are undermined by the modernization of nuclear weapons and their delivery systems, and related infrastructure by the nuclear-weapon States, accordingly, to call upon the nuclear-weapon States to accelerate the reduction in their nuclear arsenals, weapons and their delivery systems, which should involve dismantling them in the fulfilment of their nuclear disarmament obligations.

Recommendation 14

To acknowledge that the development of new types of nuclear weapons and the lack of progress in diminishing the role of nuclear weapons in security policies run counter to the letter and spirit of the Treaty and undermine the realization of its objectives.

Recommendation 15

To urge the nuclear weapon-States to undertake to prohibit completely nuclear weapons research, and to immediately cease all plans to further invest in modernizing, upgrading, refurbishing or extending the lives or other measures regarding the qualitative improvement of their nuclear weapons and related facilities and to end the production of new types of nuclear weapons in compliance with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the action plan on nuclear disarmament, agreed in 2000 and 2010, respectively.

Recommendation 16

To reaffirm the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

Recommendation 17

To support the immediate commencement of negotiations in the Conference on Disarmament on banning the production of fissile materials for nuclear weapons and other nuclear explosive devices, including all practical measures to eliminate the past production and existing stockpiles of fissile materials for nuclear weapons and other nuclear explosive devices, in an irreversible and verifiable manner, taking into account both nuclear disarmament and nuclear non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency (IAEA) comprehensive safeguards.

Recommendation 18

To voice concern about the potential for an arms race in outer space and further nuclear proliferation which the implementation of missile defence systems could trigger.

Recommendation 19

To reaffirm that any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law and that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law.

Recommendation 20

To urge the nuclear-weapon States to fully comply with their nuclear disarmament obligations under the Treaty and completely implement their unequivocal nuclear disarmament commitments, including the 13 practical steps, that were agreed and reaffirmed by consensus at the 2000 and 2010 Review Conferences of the Treaty, in order to accomplish the total elimination of their nuclear weapons.

Recommendation 21

To reaffirm that all parties have a legal obligation under article VI of the Treaty to pursue in good faith, and to bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Recommendation 22

To fully support and call for the full implementation of resolution 68/32 on the follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament, through which the Assembly: (i) called for the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction; (ii) decided to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (iii) designated 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

Recommendation 23

To emphasize the necessity to start negotiations without further delay on a phased programme for the complete elimination of nuclear weapons with a specified framework of time.

Recommendation 24

To establish a standing committee to monitor and verify the fulfilment by the nuclear-weapon States of their nuclear disarmament obligations under the Treaty, as well as the implementation of their unequivocal undertakings agreed at the Review Conferences of the Treaty, and to make recommendations to the Review Conference on the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

Recommendation 25

To call for the complete exclusion of the use and the threat of use of nuclear weapons from all the military and security policies, concepts and doctrines, including the "Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization", which not only set out rationales for the

use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliances that pursue nuclear deterrence policies.

Recommendation 26

To underscore the necessity of the full and non-discriminatory implementation of articles I and II of the Treaty by all States parties, in particular nuclear-weapon States, to prevent the proliferation of nuclear weapons and other nuclear explosive devices, including through nuclear weapon-sharing with other States under any kind of security and military arrangements or alliances.

Nuclear testing

Recommendation 27

To strongly support a comprehensive ban on all forms of nuclear–weapon tests without exception, as well as any nuclear explosion, and reaffirm the importance of such ban in the realization of objectives of the Non-Proliferation Treaty.

Recommendation 28

To support the objectives of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons and to stress that while the Comprehensive Nuclear-Test-Ban Treaty is a practical step on the road to nuclear disarmament, it cannot substitute for the objective of complete elimination of nuclear weapons.

Recommendation 29

To stress the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and towards the enhancement of international peace and security.

Recommendation 30

To stress that the five nuclear-weapon States have a special responsibility to take the lead in realizing the objectives of the Comprehensive Nuclear-Test-Ban Treaty and to underline in this regard the commitments of the nuclear-weapon States under the Final Document of the 2000 Review Conference, in which the ratification of the Comprehensive Nuclear-Test-Ban Treaty is envisaged as the first of 13 practical steps, and accordingly calls for the early ratification of this Treaty, in particular by the remaining nuclear-weapon States and those that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recommendation 31

To strongly call for the immediate and unconditional cessation of all nuclear weapon tests and nuclear explosions and to close and dismantle, in a transparent,

irreversible and verifiable manner, any remaining sites for nuclear test explosions and their associated infrastructure.

Recommendation 32

To call upon the nuclear-weapon States to refrain from conducting nuclear-weapon test explosions or any other nuclear explosions, or nuclear-weapon tests in alternative ways, as well as the use of new technologies for upgrading the existing nuclear weapons system, as they would undermine the object and purpose of both the Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty.

Negative security assurances

Recommendation 33

To reaffirm that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons as well as the risk of their unauthorized, unintentional or accidental use. Pending the total elimination of nuclear weapons, the provision of effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances by all five nuclear-weapon States to all the non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, is the legitimate right of all non-nuclear weapons States parties to the Treaty. The provision of such assurances is a commitment, the early fulfilment of which is necessary to strengthen the nuclear non-proliferation regime.

Recommendation 34

To reiterate that military and security policies, concepts and doctrines that allow the use or threat of use of nuclear weapons contravene the existing insufficient negative security assurances provided through unilateral statements made by each of the nuclear-weapon States.

Recommendation 35

To reaffirm that the mere possession or any use or threat of use of nuclear weapons would be in violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law, and that, pending the total elimination of nuclear weapons, as the only absolute guarantee against the threat or use of nuclear weapons, the nuclear-weapon States shall refrain, under all circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty, including, inter alia, by the complete exclusion of the use or threat of use of nuclear weapons from all their military and security concepts, doctrines and policies.

Recommendation 36

To express concern that, despite longstanding requests by non-nuclear-weapon States parties to the Treaty to receive universal legally binding negative security assurances, no tangible progress has been made in this regard.

Recommendation 37

To strongly support the immediate commencement of negotiations on effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, by all nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty, pending the realization of the goal of total elimination of nuclear weapons.

Nuclear-weapon-free zones

Recommendation 38

To reaffirm that the establishment of nuclear-weapon-free-zones by the Treaties of Bangkok, Pelindaba, Rarotonga, Semipalatinsk and Tlatelolco, as well as Mongolia's nuclear-weapon-free status, represent a positive step towards attaining the objectives of the Non-Proliferation Treaty in nuclear disarmament and non-proliferation of nuclear weapons and enhancing international peace and security.

Recommendation 39

To call for further efforts aimed at establishing nuclear-weapon-free zones in the regions where they do not exist, in particular in the Middle East.

Recommendation 40

To reaffirm that the fulfilment of the obligations of the nuclear-weapon States to provide to all non-nuclear-weapon States parties to the Treaty effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, is essential in the realization of the objectives of treaties establishing such zones.

Recommendation 41

To stress the importance of the early ratification of the existing treaties establishing nuclear-weapon-free zones, by all States whose ratification is required for the entry into force of such treaties, as well as the early ratification, by all the nuclear-weapon States that have not yet done so, of the relevant protocols to those treaties in order to assure the total absence of nuclear weapons in the respective territories of parties to such treaties, as envisaged in the Non-Proliferation Treaty.

Recommendation 42

To urge the nuclear-weapon States that, having signed or ratified some of the relevant protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties and affect the denuclearization status of that zone, to withdraw such reservations or unilateral interpretative declarations and to fulfil their obligations to achieve the objectives of the treaties to establish nuclear-weapon-free zones and their protocols.

Regional issues: Middle East

Recommendation 43

To reaffirm the longstanding strong global support for the speedy establishment of a nuclear-weapon-free zone in the Middle East without any further delay, as it would greatly enhance international peace and security and contribute to the achievement of a nuclear-weapon-free world and, in this context, to reaffirm once again the determination of the State parties to the Treaty to extend fullest cooperation and to exert utmost efforts with a view to ensuring the early establishment of such a zone.

Recommendation 44

To reaffirm that the 1995 Resolution on the Middle East is an essential element and integral part of the outcome of the 1995 Review and Extension Conference and of the basis on which the Non-Proliferation Treaty was indefinitely extended, without a vote, as well as that the 2000 and 2010 Review Conferences reaffirmed the importance of the Resolution and emphasized that the Resolution remains valid until its goals and objectives are achieved.

Recommendation 45

To underscore the importance of the adoption by consensus of a detailed plan of action on "the Middle East, particularly implementation of the 1995 Resolution on the Middle East", at the 2010 Review Conference, including the convening of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Recommendation 46

To stress the importance of the prompt and full implementation of the 1995 Resolution and the 2010 plan of action on the Middle East, and to underline that, at the 2010 Review Conference, the States parties renewed their resolve to undertake, individually and collectively, all necessary measures aimed at the prompt implementation of the 1995 Resolution on the Middle East.

Recommendation 47

To express deep concern over the long delay in the implementation of the 1995 Resolution on the Middle East, and also at the lack of progress in the implementation of the plan of action on the Middle East adopted by the 2010 Review Conference, in particular over the failure of the conveners to convene the conference in 2012 as scheduled, which contradicts and violates the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference of the Treaty, contravenes the letter and spirit of the 1995 Resolution on the Middle East and has negative repercussions on the credibility of the Treaty, its review process and the nuclear disarmament and non-proliferation regime as a whole, and to express deep concern, in this context, that Israel continues to undermine the convening of the Conference by not declaring its intention to participate in it.

Recommendation 48

To urge in particular the three co-sponsors of the 1995 Resolution on the Middle East to fulfil their responsibility in taking all necessary measures to fully implement it without any further delay and to urge also the conveners of the 2012 Conference — the United Nations Secretary-General, the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Russian Federation, — in accordance with the mandate entrusted to them by the 2010 Review Conference, to convene the Conference without any further delay in order to avoid further negative repercussions on the credibility of the Treaty, its Review process and the nuclear disarmament and non-proliferation regime as a whole.

Recommendation 49

To underscore that efforts related to the 2012 Conference, by its conveners and the Facilitator should be undertaken in accordance with the mandate adopted by the 2010 Review Conference of the Treaty, and should be focused on convening the Conference at the earliest date in 2014 and on seeking out in advance, by the conveners and the Facilitator of the Conference, credible assurances regarding the unconditional participation of Israel, the only country of the region that has not declared its participation in the Conference and that the Conference should lead, without further delay, to the universality of the Treaty in the Middle East and the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Recommendation 50

To express great concern over the acquisition of nuclear capabilities by Israel, which poses a serious and continuing threat to the security of neighbouring and other States, and the fact that Israel continues to develop and stockpile nuclear arsenals, and to reaffirm that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained, particularly through the possession of nuclear weapons, which allows one party to threaten its neighbours and the region, and constitutes a threat to international peace and security; as well as to stress also that the adoption, by the IAEA General Conference, of resolution GC(57)/RES/15 on application of IAEA safeguards in the Middle East and resolution GC(53)/RES/17 on Israeli nuclear capabilities is another manifestation of the threat posed by such capabilities to regional and international peace and security, and that Israeli nuclear Israeli nuclear capabilities remain the main obstacles to the establishment of a nuclear-weapon-free zone in the Middle East.

Recommendation 51

To reaffirm the call, by the States parties to the Non-Proliferation Treaty, at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, on Israel to accede to the Treaty and to place all its nuclear facilities under IAEA comprehensive safeguards; and, while expressing deep concern that Israel has not yet acceded to the Treaty, to underscore the necessity of the immediate and unconditional accession of Israel to the Treaty as a non-nuclear-weapon State, which remains an essential prerequisite for the establishment of a nuclear-weapon-free zone in the Middle East.

Recommendation 52

To demand that Israel renounce possession of nuclear weapons, accede to the Treaty without any precondition or further delay as a non-nuclear-weapon State, place promptly all its nuclear facilities under IAEA comprehensive safeguards in accordance with Security Council resolution 487 (1981) and conduct all its nuclear-related activities in full conformity with the non-proliferation Treaty, in realizing the goal of universal adherence to the Treaty, in particular in the Middle East.

Recommendation 53

To stress the need for an unequivocal commitment by each State party to the Treaty to strictly abide by its legal obligations to prohibit the transfer of any nuclear-related equipment, information, material, facilities, resources or devices, and the extension of know-how or any kind of assistance to and cooperation with Israel in the nuclear fields, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards. States parties to the Treaty should also undertake to disclose all information available to them on the nature and scope of Israeli nuclear capabilities, including information pertaining to previous nuclear transfers to Israel.

Recommendation 54

To reaffirm that the nuclear-weapon States, in conformity with their legal obligations under article I of the Treaty, shall solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly or indirectly to Israel, and further undertake not, in any way, to assist, encourage or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices under any circumstances whatsoever.

Recommendation 55

To recommend the establishment of a standing committee composed of members of the Bureau of the 2015 Review Conference to follow up intersessionally the implementation of the recommendations by the Review Conference concerning Israel's prompt accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under the IAEA comprehensive safeguards, and to submit its reports thereon to the 2020 Review Conference and its Preparatory Committee meetings.

Recommendation 56

To recall that the 2000 and 2010 Review Conferences stipulated that all States parties to the Treaty, particularly the nuclear-weapon States, the States of the Middle East and other interested States, should report to the President of the Review Conference, as well as the Chairs of its Preparatory Committee meetings, on the steps that they have taken to promote the establishment of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 Resolution, and accordingly to emphasize the importance of submitting the required reports by all States parties to the Treaty, in particular the co-sponsors of the 1995 Resolution, as well as that required of the facilitator of the 2012 conference.

Safeguards and verification

Recommendation 57

To reaffirm that safeguards are accepted for the exclusive purpose of verification of the fulfilment of obligations assumed under the Non-Proliferation Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices and accordingly, they shall be implemented without affecting the inalienable rights under article IV of the Non-Proliferation Treaty, and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes.

Recommendation 58

To stress the importance of achieving the universality of the comprehensive safeguards and to call upon all States parties that have not yet done so to bring into force comprehensive safeguards agreements as soon as possible with a view to consolidating and enhancing the verification system for the nuclear non-proliferation and disarmament regime, through the universalization of comprehensive safeguards and, in this context, to urge all States not parties to the Treaty to accede, without any further delay and any preconditions and as non-nuclear-weapon States, to the Treaty and to bring into force comprehensive safeguards agreements as soon as possible in order to place all their nuclear facilities and activities under IAEA comprehensive safeguards.

Recommendation 59

To acknowledge that it is fundamental to make a distinction between legal obligations and voluntary confidence-building measures, in order to ensure that such voluntary undertakings should not be considered as legal safeguard obligations.

Recommendation 60

To reaffirm that IAEA is the sole competent authority responsible for verifying the fulfilment of safeguards obligations assumed by States parties under the Non-Proliferation Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons and other nuclear explosive devices, as well as the global focal point for nuclear technical cooperation and that nothing should be done to undermine the authority of IAEA, and in this context to reject attempts by any IAEA member State to use the technical cooperation programme of the Agency as a tool for political purposes in violation of its statute and to call upon all States to avoid any pressure or interference in the Agency's activities, especially its verification process, that could jeopardize its efficiency and credibility.

Recommendation 61

To confirm that article III of the Treaty on verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV and, therefore, States parties to the Treaty shall

refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

Recommendation 62

To emphasize that non-proliferation must be pursued and implemented, without exception, through the strict observance of and adherence to the Non-Proliferation Treaty and to the IAEA comprehensive safeguards as a condition for any cooperation in the nuclear area with States not parties to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

Recommendation 63

To underscore that the principle of balance between the promotional and other statutory activities of the Agency, in particular verification and safeguards-related activities, needs to be strictly observed and that IAEA shall ensure avoiding any ultra vires acts that would jeopardize its integrity and credibility.

Recommendation 64

To underline the importance of and the need for strict observance by IAEA of its statute and relevant comprehensive safeguards agreements in conducting verification activities and the necessity of IAEA reporting on the implementation of safeguards being factual and technically based and reflecting appropriate reference to the relevant provisions of safeguards agreements.

Recommendation 65

To reiterate the essential responsibility of IAEA in maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards, including reporting, in accordance with the Agency's statute and safeguards agreements and the need for the regime for the protection of such confidential information to be significantly strengthened; and to urge, in this regard, the IAEA Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information and to continue to review and update the established procedure for the protection of classified safeguards information within the secretariat.

Recommendation 66

To support furthering the establishment of safeguarded worldwide nuclear disarmament and the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material from nuclear weapons or other nuclear explosive devices and to stress the statutory role of IAEA on nuclear disarmament, including applying safeguards on nuclear materials derived from the dismantling of nuclear weapons; to recognize, in this context, the Agency capability of verifying nuclear disarmament agreements; and to call for the full implementation of action 16 of the recommendations and follow-on actions of the 2010 Review Conference and urge the nuclear-weapon States to commit to declaring to IAEA all weapon-grade fissile

material and to place such material, as soon as practicable, under the supervision of the Agency or other relevant international verification and arrangements for the use of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

Recommendation 67

To call upon all nuclear-weapon States and all States not party to the Non-Proliferation Treaty to place all their nuclear facilities under IAEA comprehensive safeguards, in order to ensure, inter alia, preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material and facilities and resources or devices and the extension of assistance in the nuclear scientific or technological fields to States not parties to the Treaty without exception.

Recommendation 68

To reiterate the commitment of all States parties to the Non-Proliferation Treaty to prohibit the transfer of all nuclear-related equipment, information, material and facilities and resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards.

Peaceful uses of nuclear energy

Recommendation 69

To underscore that nothing in the Non-Proliferation Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes, without discrimination, including the development of a full national nuclear fuel cycle, and their right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, as well as technical cooperation among themselves or international organizations, with due consideration for the needs of the developing areas of the world, and that the realization of these rights constitutes one of the fundamental objectives of the Treaty.

Recommendation 70

To reaffirm that any measure aiming at hampering, fully or partly, the fullest exercise of the inalienable rights under article IV of the Treaty, would seriously jeopardize the delicate balance between rights and obligations of the States parties, in contravention with the Treaty's object and purpose, and would widen the gap between developed and developing countries in the use of nuclear energy for peaceful purposes.

Recommendation 71

To reaffirm the sovereign right of each State party to define its national energy and fuel-cycle policies that, inter alia, includes an inalienable right to develop, for peaceful purposes, a full national nuclear fuel cycle, and that such rights of State parties, including expanding their own production capacity in the nuclear fuel cycle, shall not, in any way, be compromised or diminished, including as a result of any possible decision in the context of multilateral approaches to the nuclear fuel cycle.

Recommendation 72

To underline that concerns related to nuclear proliferation shall not, in any way, restrict the inalienable right of any State party to develop all aspects of nuclear science and technology for peaceful purposes, without discrimination, as stipulated in article IV of the Treaty, and, accordingly, to call upon the States parties to refrain from any action that would limit certain peaceful nuclear activities on the grounds of their "sensitivity", as the Treaty does not prohibit the transfer or use of nuclear technology, equipment or material for peaceful purposes based on their sensitivity but stipulates only that such technology, equipment and material must be subject to IAEA comprehensive safeguards.

Recommendation 73

To express concern that certain unilateral, politically motivated restrictions and/or limitations seriously hamper the exercise by developing States parties of their inalienable rights to develop research, production and use of nuclear energy for peaceful purposes, including to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

Recommendation 74

To express concern that some States parties have set conditions that limit the export of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy to developing States parties, such as concluding and bringing into force an additional protocol. Any such conditions contravenes article IV of the Treaty, which is explicit in that regard, leaving no room for reinterpretation or setting conditions for the peaceful uses of nuclear energy by non-nuclear-weapon States.

Recommendation 75

To reaffirm that any interpretation that is used as a pretext to prevent the transfer of nuclear technology for peaceful purposes is inconsistent with the object and purpose of the Treaty, and, therefore, to strongly call for the fulfilment of the obligations under article 4 (2) of the Treaty with regard to exports, to other States parties, of nuclear material, equipment and technology for peaceful purposes.

Recommendation 76

To emphasize that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure and facilitate,

to the fullest extent possible, the access by developing countries parties to the Treaty to nuclear material, equipment or technology for peaceful purposes in accordance with the provisions of the Non-Proliferation Treaty.

Recommendation 77

To express deep concern over the ability of certain States not party to the Treaty to obtain, in particular from some nuclear-weapon States, nuclear materials, technology and know-how to develop nuclear weapons, and to strongly call for the enforcement, without exception or further delay, of the total and complete prohibition, as stipulated in the Treaty, of the transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States not party to the Treaty.

Recommendation 78

To underscore the importance of IAEA assistance in particular to its developing member States in planning for and using nuclear science and technology for peaceful purposes, and the need for strengthening this role of the Agency, and, in this regard, to call on IAEA to ensure a balance between technical cooperation and its other activities.

Recommendation 79

To stress that the IAEA Technical Cooperation Programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the statute of IAEA and the agreed guiding principles as contained in INFCIRC/267 and the decisions of IAEA policymaking organs, as well as under preferential and concessional terms; and to underline that the current guidelines and criteria for the selection of technical cooperation projects are robust and effective, and that no additional criteria should be imposed for fulfilling the above-mentioned objectives.

Recommendation 80

To strongly reject any attempt by any State to politicize the work of IAEA, including the use of its Technical Cooperation Programme as a tool for political purposes, which would be in violation of the statute of the Agency.

Recommendation 81

To stress the importance of full compliance, by the developed countries parties to the Treaty, with the obligations under article IV (2) of the Treaty, which stipulates that parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world, and to underscore, in this regard, that, as a fundamental principle, in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment shall be given to the non-nuclear-weapon States parties to the Treaty, particularly taking into account the needs of developing countries.

Recommendation 82

To recognize that the primary responsibility for nuclear safety rests with individual States, to reaffirm the central role of IAEA in nuclear safety-related matters, including through the establishment of nuclear safety standards, owing to its mandatory functions and longstanding expertise; and to stress that any possible review of nuclear safety standards at the global level must be carried out within IAEA in an inclusive, gradual and transparent manner, with the guidance and participation of and in consultation with all member States, that shall incorporate the views of all member States.

Recommendation 83

To recognize that the primary responsibility for nuclear security rests with individual States and that IAEA has the mandate, the authority and the central role in the area of nuclear security; and to reaffirm that any process to develop multilateral norms, guidelines or rules on nuclear security should be pursued within the framework of IAEA, should be driven by Member States, should be negotiated multilaterally in a gradual, inclusive and transparent manner incorporating the views of all Member States and should not encroach upon the mandate, competence and central role of IAEA in the area of nuclear security.

Recommendation 84

To emphasize that measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

Recommendation 85

To strongly emphasize that any decision in the context of multilateral approaches to the nuclear fuel cycle must be consistent with the IAEA statute and the Non-Proliferation Treaty, without any prejudice to the inalienable right of each State party to the Treaty to develop research, production and use of nuclear energy and sciences, in all their aspects, for peaceful purposes, and, if it so decides, to develop a full national nuclear fuel cycle, according to article IV of the Treaty; to underscore that such decisions shall be made by consensus following wide, integral, comprehensive and transparent multilateral consultations, with the participation, and taking into account the interests of all IAEA member States, as well as all technical, legal, political and economic implications and complexities surrounding this sensitive matter; and to underline that every effort should be made to ensure that any related mechanism is sustainable, non-discriminatory, predictable, transparent and economically viable, under the auspices of IAEA.

Recommendation 86

To reiterate a need for caution in thoroughly addressing the associated technical, legal and economic aspects, as well as the underlying political dimensions of the issue of assurances of nuclear fuel supply, and to stress the necessity to ensure that any further consideration of this issue is based on a coherent and comprehensive conceptual framework that adequately addresses the views and concerns of all States parties and that any proposal that eventually emerges in this

regard is in full accordance with the Non-Proliferation Treaty and takes into account the respective legal obligations of States parties and the principle of non-discrimination.

Recommendation 87

To reaffirm the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human lives and the environment, and constitutes a grave violation of international law, the principles and purposes of the Charter of the United Nations and resolutions of IAEA; to recognize the need for a comprehensive multilaterally negotiated legally binding instrument prohibiting attacks and the threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy; and, pending the conclusion of such an instrument, to strongly urge all States to refrain from attacks or the threat of attacks on such facilities.